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Attorneys for Plaintiffs
 PATRICK CONNALLY
 and DISABILITY RIGHTS,
 ENFORCEMENT, EDUCATION,
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PATRICK CONNALLY, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING YOU)
 HELP OTHERS, a California public benefit)
 corporation,)
 Plaintiffs,)
 v.)
 FRANK'S FREEZE; RONALD V.)
 CAVIGLIA, as trustee of the RONALD &)
 Nanci CAVIGLIA 2003 REVOCABLE)
 TRUST; and MYUNG SHIN KIM and HYE)
 SEO KIM, a married partnership dba)
 FRANK'S FREEZE,)
 Defendants.)

CASE NO. C05-2239 JCS

**EX PARTE REQUEST AND ~~PROPOSED~~
 ORDER CONTINUING SCHEDULING
 CONFERENCE**

Plaintiffs PATRICK CONNALLY and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES hereby submit this ex parte request to continue the upcoming
 Scheduling Conference currently scheduled for July 22, 2005 for the following reasons:

1. Plaintiffs have served defendants Myung Shin Kim and Hye Seo Kim and filed
 the Return of Service on June 29, 2005;

2. To date plaintiffs have been unable to serve defendant Ronald V. Caviglia despite considerable efforts and multiple attempts to do so. Plaintiffs believe they have an accurate address for this defendant and will continue to attempt service.

3. Plaintiffs have learned that defendants Myung Shin Kim and Hye Seo Kim do not speak English and are currently unable to participate in filing a Joint Case Management Statement. As such, the plaintiffs wish to postpone the upcoming conference so that all parties may participate.

For the aforementioned reasons, plaintiffs respectfully request that the scheduling conference currently on calender for July 22, 2005 be VACATED and CONTINUED to September 30, 2005.

Dated: July 12, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

By: /s/
Jessica A. Dayton
Attorneys for Plaintiffs PATRICK CONNALLY and
DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION SERVICES

ORDER

The Scheduling Conference currently on calender for July 22, 2005 is hereby VACATED and CONTINUED until September 30, 2005.

IT IS SO ORDERED.

Dated: July 12, 2005

/s/ Joseph C. Spero
Magistrate Judge Joseph C. Spero
UNITED STATES MAGISTRATE JUDGE